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P.O. BOX 1450
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www.uspto.gov

Marian Gavrilă
535 Burleigh Private
Ottawa ON K1J 1J9 CA CANADA

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APR 19 2006

OFFICE OF PETITIONS

In re Application of
Gavrilă et al.
Application No. 10/727,584
Filed: December 5, 2003
For: HYBRID COMMUNICATION
TERMINAL - ALARM SYSTEM

:
:
:
: DECISION ON
: PETITION
:

This is a decision in response to the Petition to Revive the application under 37 CFR 1.137(b).

This Petition is hereby **dismissed**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)". This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Provisional Application (hereinafter "Notice"), mailed March 8, 2004. The Notice required the signature of inventor Gavrilă on the oath or declaration, and a late filing fee surcharge. The Notice set a two (2) month period for reply from the mail date of the Notice, and also provided for extensions of time under 37 CFR 1.136(a).

Applicant filed a reply on November 15, 2004; however, the reply was incomplete because Applicant failed to include the late filing fee surcharge.

Applicant was notified that the reply was incomplete in a Notice of Incomplete Reply (Nonprovisional), mailed December 1, 2004.

Applicant was also informed that the period of reply remains as set forth in the Notice.

On January 11, 2005, Applicant submitted the late filing fee surcharge.

A Notice of Abandonment was mailed October 27, 2005.

The December 20, 2005 petition

Applicant filed a petition on December 20, 2005 to withdraw the holding of abandonment of the application. The petition was dismissed in a Decision mailed February 8, 2006, for failing to meet the requirements of a grantable petition under 37 CFR 1.181(a).

The instant petition

Applicant files the instant petition to revive the application. Applicant filed the oath or declaration and an explanation on November 11, 2004. A review of the oath or declaration reveals that it fails to comply with 37 CFR 1.63.

37 CFR § 1.63 Oath or declaration requires:

(a) An oath or declaration filed under § 1.51(b)(2) as a part of a nonprovisional application must:

- (1) Be executed, i.e., signed, in accordance with either § 1.66 or § 1.68. There is no minimum age for a person to be qualified to sign, but the person must be competent to sign, i.e., understand the document that the person is signing;
- (2) Identify each inventor by full name, including the family name, and at least one given name without abbreviation together with any other given name or initial;
- (3) Identify the country of citizenship of each inventor; and
- (4) State that the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

(b) In addition to meeting the requirements of paragraph (a) of this section, the oath or declaration must also:

- (1) Identify the application to which it is directed;
- (2) State that the person making the oath or declaration has reviewed and understands the contents of the application, including the claims, as amended by any amendment specifically referred to in the oath or declaration; and
- (3) State that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in § 1.56.

Applicant has failed to satisfy 37 CFR § 1.63(b)(2).

An oath or declaration in compliance with 37 CFR § 1.63 is required.


Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
 PO Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.



Derek L. Woods
Attorney
Office of Petitions